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5 File No. 12-90583

6 Attorneys for Movant,
BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS
7 SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

8 UNITED STATES BANKRUPTCY COURT
9 FOR THE DISTRICT OF ARIZONA

10 In re:

Chapter 13

11 JONATHAN B. WOODS,

Case No.: 2:12-bk-13564-SSC

12 Debtor.

13 BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
14 SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING LP,

Property Address

3930 E. Cody Ave.
Gilbert, AZ 85234

15 Movant,

16 vs.

17 JONATHAN B. WOODS, Debtor; RUSSELL
18 A. BROWN, Trustee,

19 Respondents.

20 **MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

21 BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS
22 SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP, its assignees and/or
23 successor in interest ("Secured Creditor" herein), moves this Court for an Order terminating the
24 Automatic Stay so that Secured Creditor (and its Trustee) may commence and continue State

1 Court eviction proceedings regarding the property generally described as **3930 E. Cody Ave.,**
2 **Gilbert, AZ 85234** ("Property" herein).

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **STATEMENT OF FACTS**

5 **I**

6 On or about June 18, 2012, Debtor commenced the current Chapter 7 Bankruptcy
7 proceeding in this Court.

8 On or about February 16, 2010, prior to the Debtor filing for bankruptcy protection, the
9 Subject Property was sold at auction. This sale transferred title of the property to BAC HOME
10 LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP. See copy
11 of Trustee's Deed Upon Sale, attached hereto and incorporated herein as Exhibit "A."

12 On or about July 1, 2011, BAC HOME LOANS SERVICING, LP FKA
13 COUNTRYWIDE HOME LOANS SERVICING, LP merged with and into BANK OF
14 AMERICA, N.A. See copy of the Certificate of Merger, attached hereto and incorporated herein
15 as Exhibit "B."

16 Based upon information and belief, the Debtor continues to reside in the Subject
17 Property. As such, the Debtor appears to have a possessory interest in the Subject Property.

18 **ARGUMENT**

19 The Trustee's Sale of the property occurred prior to the Debtor's bankruptcy filing and,
20 therefore, at the time, no stay was in place. As a result of the Trustee's Sale, the Subject
21 Property is no longer property of the Debtor or of the Estate. However, since the Debtor
22 continues to reside in the Subject Property, Secured Creditor seeks stay relief to exercise its state
23 court remedies, which may include unlawful detainer proceedings, to obtain possession of the
24 Property it now owns.

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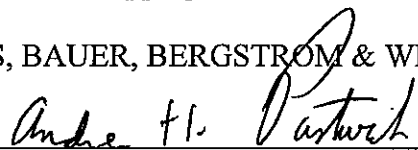
CONCLUSION

WHEREFORE, Secured Creditor prays judgment as follows:

- (1) For an Order granting relief from Automatic Stay, permitting Secured Creditor to exercise its State Court remedies including eviction proceedings.
- (2) For an Order waiving the 14-day stay provided by Bankruptcy Rule 4001(a)(3).
- (3) For an Order binding and effective despite any conversion of this bankruptcy case.
- (4) For such other relief as this Court deems appropriate.

MILES, BAUER, BERGSTROM & WINTERS, LLP

Dated: July 17, 2012

By: 
Andrew Pastwick, Esq.
Attorney for Secured Creditor

(12-90583/nvmisc.dot/mlb)

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8 UNITED STATES BANKRUPTCY COURT
9 FOR THE DISTRICT OF ARIZONA

10 In re:

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11 JONATHAN B. WOODS,

Case No.: 2:12-bk-13564-SSC

12 Debtor.

13 BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
14 SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING LP,

Property Address
3930 E. Cody Ave.
Gilbert, AZ 85234

FORM OF ORDER

15 Movant,

16 vs.

17 JONATHAN B. WOODS, Debtor; RUSSELL
18 A. BROWN, Trustee,

19 Respondents.

20 **ORDER TERMINATING THE AUTOMATIC STAY**

21 The Motion for Relief having been properly served, with no opposition filed herein, this
22 Court makes its Order as follows:

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in
24 the above-entitled Bankruptcy case is extinguished for all purposes as to Movant, BANK OF

1 AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP
2 FKA COUNTRYWIDE HOME LOANS SERVICING LP, its assignees and/or successors in
3 interest with respect to the subject Property generally described as 3930 E. Cody Ave., Gilbert,
4 AZ 85234 ("Property" herein).

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the fourteen (14) day
6 stay provided by Bankruptcy Rule 4001(a)(3) is waived.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order shall be
8 binding in any conversion of the subject bankruptcy proceeding.

9 IT IS SO ORDERED this _____ day of _____, 2012.

10
11 _____
12 UNITED STATES BANKRUPTCY JUDGE

13 Submitted by:

14 MILES, BAUER, BERGSTROM & WINTERS, LLP

15 Dated: _____

16 By: _____

17 Andrew Pastwick, Esq.
18 Attorney for Secured Creditor

19 12-90583/azord.dot/mlb
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EXHIBIT A

First American Title
RECORDING REQUESTED BY:
BAC Home Loans Servicing, LP
2380 Performance Dr, TX2-985-07-03
Richardson, TX 75082
WHEN RECORDED MAIL TO:
BAC Home Loans Servicing, LP
2380 Performance Dr, TX2-985-07-03
Richardson, TX 75082
TS No. [REDACTED]
Title Order No. [REDACTED]
APN No. [REDACTED]

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
[REDACTED] 02/22/2010 12:39
ELECTRONIC RECORDING

[REDACTED]
mcdevitttr

TRUSTEE'S DEED UPON SALE ARIZONA

The undersigned grantor declares:

The amount of the unpaid debt together with costs was \$258,224.27.

The amount paid by the grantee at the trustee's sale was \$258,204.27.

The documentary transfer tax is \$ _____ The Grantee was/was not the foreclosing beneficiary.

RECONTRUST COMPANY, N.A., as the duly appointed Trustee (or successor Trustee or substituted Trustee), under a Deed of Trust referred to below, and herein called Trustee, does hereby grant without covenant or warranty to:

BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP
the real property, situated in the County of Maricopa, State of Arizona describe as follows:

SEE ATTACHED LEGAL DESCRIPTION

This conveyance is made pursuant to the power of sale, conferred upon SUCCESSOR TRUSTEE by the Deed of Trust, dated 07/31/2008 made by JONATHAN B. WOODS AND KERRIE WOODS AKA KERRIE B. WOODS HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, as TRUSTOR(S), FIRST AMERICAN TITLE INS. CO. A CA CORP., as TRUSTEE, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., is named as BENEFICIARY and recorded on 08/05/2008, as Instrument Number 20080681375, Book N/A, Page N/A, in the office of the county recorder of Maricopa, and after fulfillment by the SUCCESSOR TRUSTEE of the conditions specified in said Deed of Trust, and in compliance with the laws of the State of Arizona. Trustee or Successor Trustee having complied with all applicable statutory provisions and having performed all of the required duties under said Deed of Trust including posting, publishing, recordation of all necessary documents.

Said property was sold by the SUCCESSOR TRUSTEE at public auction on 02/16/2010, in the County of Maricopa in which said property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and made payment therefore to said SUCCESSOR TRUSTEE of the amount bid, namely \$258,204.27.

Form aztd (08/06)

DATED: February 17, 2010

RECONTRUST COMPANY, N.A.

Successor Trustee

EXEMPT UNDER ARS 11-1134-B-1

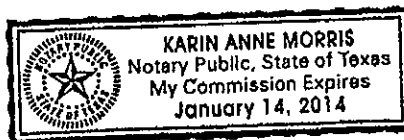
By: Kathy Newland
KATHY NEWLAND, ~~Team Member~~
Assistant Secretary

State of: TEXAS)
County of: TARRANT)

On 2/17/2010 before me Karin Morris, personally appeared
KATHY NEWLAND, ASST. SEC., know to me (or proved to me on the oath of
_____ or through _____) to be the person whose name is subscribed to the
foregoing instrument and acknowledged to me that he/she executed the same for the purposes and
consideration therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL.

Karin Morris
Notary Public's Signature



Form aztd (08/06)


LOAN TYPE: FHA

"EXHIBIT A"

LEGAL DESCRIPTION

LOT 432, OF CAROL RAE RANCH, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 395 OF MAPS, PAGE 24 AND AFFIDAVITS OF CORRECTION RECORDED AS 95-345898, AS 96-0353476 AND AS 96-0740382, ALL OF OFFICIAL RECORDS.

Form legaldesc (07/01)

EXHIBIT B



Office of the Secretary of State

CERTIFICATE OF MERGER

The undersigned, as Secretary of State of Texas, hereby certifies that a filing instrument merging

BAC Home Loans Servicing, LP
Domestic Limited Partnership (LP)
[File Number: [REDACTED]]

Into

Bank of America, National Association
Other Entity/Organization
USA

[Entity not of Record, Filing Number Not Available]

has been received in this office and has been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by the virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing the acceptance and filing of the merger on the date shown below.

Dated: 06/28/2011

Effective: 07/01/2011



A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade
Secretary of State

Phone: (512) 463-5555
Prepared by: Jean Marchione

Come visit us on the internet at <http://www.sos.state.tx.us/>
Fax: (512) 463-5709

Dial: 7-1-1 for Relay Services